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Hon. Christopher M. Alston Chapter 13

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:) Chapter 7
TARYN ALISA WALCOTT,) Cause No.: 22-11768
Debtor.) Adv. Pro. No.

TARYN ALISA WALCOTT,) COMPLAINT TO DETERMINE
Plaintiff,) DISCHARGEABILITY OF CERTAIN DEBT
NAVIENT SOLUTIONS,) UNDER 11 U.S.C. §523(a)(8)
Defendants.)

COMES NOW Debtor-Plaintiff Taryn A. Walcott (“Ms. Walcott” or the “Debtor”),
h counsel, and files this Complaint to Determine Dischargeability of Student Loan Debt
nt to 11 U.S.C. §523(a)(8).

I. PARTIES

24 1. The Debtor / Plaintiff Taryn A. Walcott is the debtor in the above-referenced Chapter 7
25 bankruptcy, which was filed with the assistance of counsel on October 31, 2022.
26 2. Defendant Navient Solutions is a corporation believed to be based in Delaware.

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COMPLAINT

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II. JURISDICTION AND VENUE

This Court has jurisdiction over this action under 28 U.S.C. §1334. This matter is a core proceeding pursuant to 28 U.S.C. §157 (b)(2)(A), (B), and (I).

This adversary proceeding is commenced pursuant to Rule 7001 of the Federal Rules of Bankruptcy Procedure and Section 523(a) of the Bankruptcy Code.

Venue is proper in this Court pursuant to 28 U.S.C. §1408 and §1409.

Plaintiff may serve the Defendants by mailing a copy of the Summons and Complaint to the Defendant at the below addresses:

Navient Solutions
Attn: John, Remondi, President & CEO
123 Justison Street, Suite 300
Wilmington, DE 19801

Federal Rule of Bankruptcy Procedure 7004(b)(3).

III. FACTUAL BACKGROUND

Ms. Walcott filed a Chapter 7 bankruptcy on October 31, 2022. She received her discharge of debt on January 30, 2023.

While a student between the years of 1998 and 2007, Ms. Walcott entered into the following five Navient Signature Student Loans:

Disb.date	Loan #	Original amt.	Current due*
1998	xxx079	\$2,000	\$3,450.20
2005	xxx078	\$19,638	\$23,136.76
2006	xxx095	\$18,574	\$20,550.74
2006	xxx103	\$3,392	\$3,780.00
2007	xxx111	\$4,000	\$2,625.76
TOTAL	—	\$47,604	\$53,512.70

*Amounts are approximates based on payoff data available on 3/15/2023.

9. The loans are currently serviced by Navient Solutions, and currently owned by Navient

1 Private Loan Trust.

2 10. The loans entered repayment in 2007. Ms. Walcott has made approximately 115
3 payments toward the loans. She has utilized forbearance and other programs to maintain
4 the loans in good standing when she was unable to make payments to Navient. The loans
5 have remained in good standing (not in default) for the duration of the repayment period.

6 11. Payments to Navient on these loans are believed to total \$21,732.10.

7 12. Navient asserts that Ms. Walcott now owes \$53,512.70, several thousand dollars more
8 than she originally borrowed.

9 13. In addition to the loans listed above, Ms. Walcott borrowed federal student loans, which
10 have also remained in good standing. Ms. Walcott intends to remain in good standing on
11 these loans with the help of income-driven repayment options unique to federal loans.

12 Ms. Walcott does not seek dischargeability of her federal student loans at this time.

13 14. Ms. Walcott has chronic health problems, including serious asthma and long COVID.
14 She was forced to cut her working hours in 2022. She relies on an inhaler and asthma
15 treatment that is directed and prescribed by her physician, but not fully covered by her
16 health insurance. She currently lives in subsidized housing and has no discretionary
17 income with which to pay Navient.

18 15. Ms. Walcott's health is in flux. She hopes to be able to continue working, despite her
19 documented health problems. If she successfully re-enters the work force on a full time
20 basis, she will lose her rent subsidy and some of her health care coverage, and, as a result,
21 will pay far more for her basic living expenses, again leaving little or no money in her
22 budget to pay to Navient.

23 16. Ms. Walcott is currently employed on a part time basis. The non-wage benefits that were
24 listed on her Bankruptcy Schedule I have been exhausted.

25 17. Ms. Walcott has consistently earned a modest income, with her past three years' earnings
26 totaling \$19,930 in 2020, \$28,577 in 2021, and \$40,137 in 2022.

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**IV. CLAIM FOR RELIEF: THAT PLAINTIFF'S PRIVATE STUDENT LOANS BE
DISCHARGED UNDER SECTION 523(A)(8)**

The above paragraphs are incorporated herein by reference.

Since completing her studies in 2007, Plaintiff has made a good faith effort to repay her private student loans owed to Navient, as well as her federal student loans.

Despite meager income and chronic health problems, she has maintained her Navient student loans in good standing through a mixture of forbearance and best-efforts payments.

Plaintiff's current income and expenses do not provide enough disposable income to afford the payments demanded by Navient without significant hardship. Having struggled to pay these loans since 2007, she now owes Navient more than she borrowed to pursue her education.

Ms. Walcott's inability to pay her student loans without undue hardship is likely to continue for the duration of the repayment period.

With her ability to earn impaired by her chronic health problems, it is unlikely that Ms. Walcott's ability to pay this loan will increase significantly over the life of the loan.

Ms. Walcott's future expenses will likely remain unchanged or increase. In the event that Ms. Walcott is successful in returning to a full time schedule, she will lose the public subsidies that she currently receives toward rent and necessary medicines.

VII. PRAYER FOR RELIEF

Therefore, Plaintiff requests that the Court enter Orders as follows:

Ruling that Ms. Walcott's private student loans owed to Navient should be discharged, in their entirety, in this bankruptcy case, on the basis that repaying those loans would cause undue hardship to the Plaintiff, and

That Plaintiff have such other relief as is deemed just and equitable by this Court.

COMPLAINT

1 DATED March 30, 2023

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4 LATIFE NEU, ATTORNEY AT LAW

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6 By:/s/ Latife H. Neu

7 Latife H. Neu, WSBA #33144

8 Attorney for Debtor/Plaintiff Taryn Alisa Walcott

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